

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID W. BURTON,

Plaintiff,

v.

E.J. HALE, Detective, Kent Police
Department, *et al.*,

Defendants.

Case No. C06-654-MJP-JPD

ORDER STRIKING PLAINTIFF'S
PENDING MOTIONS

This is a civil rights action brought under 42 U.S.C. § 1983. On September 18, 2006, plaintiff filed a motion in which requests that the Court appoint counsel to represent him in this matter. On September 25, 2006, plaintiff filed a motion in which he requests that the Court accept additional materials offered in support of his claim. Neither motion was noted on the Court's calendar for consideration, and neither motion was apparently served on counsel for defendants.¹

Rule 5(a) of the Federal Rules of Civil Procedure, and Local Rule CR 7(b)(1), require a movant to serve copies of his motion papers on the opposing party. While the Court is responsible for

¹ The Court also notes that neither motion bears an accurate caption. Plaintiff captioned each motion as a motion to proceed *in forma pauperis*, even though that was not the relief being sought. Plaintiff should ensure that future motions bear a caption which identifies the relief being requested in the body of the motion.

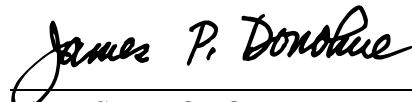
1 serving the original complaint on defendants in an action where the plaintiff has been granted leave to
2 proceed *in forma pauperis*, the plaintiff is responsible for serving all other documents which are filed
3 with the Court. The Court will not consider any documents that are not accompanied by proof that
4 the documents have been properly served.

5 Accordingly, the Court does hereby ORDER as follows:

6 (1) Plaintiff's motion for appointment of counsel (Dkt. No. 11), and plaintiff's motion for a
7 court order accepting additional materials (Dkt. No. 13), are STRICKEN from the Court's calendar.

8 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for defendants,
9 and to the Honorable Marsha J. Pechman.

10 DATED this 3rd day of October, 2006.

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12 JAMES P. DONOHUE
13 United States Magistrate Judge
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